IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7072 OF 2003

Shri Deepak Shroff ... Petitioner

Vs.

Smt. Rajshree Singh & Ors. ... Respondents

Mr. A.K. Abhayankar i/b M/s. Niranjan Jagtap & Co.
for the petitioner.

Ms. R.D. Bhatia for respondent 1, 2 and 4.

CORAM: SMT. RANJANA DESAI, J.

DATED: 14TH MARCH, 2005.

P.C.:-

1. Heard the learned counsel for the parties. Admittedly, R.A.N. Application No.117/SR of 1999 is pending in the Small Causes Court at Bombay. If that application is disposed of obviously the controversy regarding what amount should be deposited by the petitioner would come to an end. Hence, in the circumstances of the case, in my opinion, the Small Causes Court at Bombay, should be directed to hear and dispose of the said application within the time frame set by this court. The question is during the interregnum what amount should be deposited by the petitioner in the trial court. My attention is drawn to the order dated 7/4/2003 passed by Justice S. Radhakrishnan in Writ Petition No.2196 of 2003. That order obviously was passed without going to the merits of the case. But, in

my opinion, the direction given by Justice S. Radhakrishnan to deposit Rs.45,000/- per month should operate during the pendency of the said standard rent application. Justice S. Radhakrishnan had directed the respondents to withdraw an amount of Rs.20,000/- per month. In my opinion, that amount should be increased to Rs.30,000/- per month. Hence, I pass the following order.

2. The Small Causes Court at Bombay is directed to dispose of the said standard rent application being RAN Application No.117/SR of 1999 pending on its file within a period of eight months from the date of receipt of this order by it. Parties shall co-operate. During the pendency of the said application, the petitioner shall deposit an amount of Rs.45,000/- per month in the Small Causes Court at Bombay. The petitioner shall also clear the arrears at the said rate within a period of one month from today. The respondents shall be at liberty to withdraw an amount of Rs.30,000/- per month. It is clarified that I have not considered the merits of the case and the Small Causes Court shall consider the standard rent application on its merits.

3. Petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)